



12-01-00

GP/2858/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicant : Tervo et al. Group Art Unit: 2858

Serial No.: 09/637,527 Examiner:

Filed: August 10, 2000 Mailing Label Number EL619333338

Title: MEMBRANE PROBING SYSTEM

**PETITION FOR DATE OF THIS SUBMISSION OF ITEMS INDICATED A
ON "NOTICE OF OMITTED ITEMS" AS APPLICATION FILING**

November 29, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. **Response**

Applicant responds to the "NOTICE OF OMITTED ITEMS" mailed October 6, 2000. This response is being made within two(2) months of the mailing of the "NOTICE OF OMITTED ITEMS."

A copy of the "NOTICE OF OMITTED ITEMS" is enclosed.

2. **Petition**

This is a

nonprovisional application; and applicant hereby petitions under 37 C.F.R. §

1.182 to accept the date of this submission as the application filing date.

3. **Submission**

Submitted herewith is: FIGURE 22A, 22B, AND 22C.

the omitted item(s) listed on the "NOTICE OF OMITTED ITEMS";

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- a declaration in compliance with 37 c. f. r. §§ 1.63 and 1.64 referring to such omitted items;
 - a check in the amount of \$130; and
 - an acknowledgment postcard.

4. Petition Fee

nonprovisional application \$ 130.00

The fee is paid as follows:

a check is attached in the sum of \$ 130.00

Please charge Account 03-1550 for any fee deficiency for this petition.

Respectfully submitted,


Kevin L. Russell
Reg. No. 38,292

Attorneys for Applicants
Chernoff, Vilhauer, McClung & Stenzel, LLP
1600 ODS Tower
601 S W Second Avenue
Portland, OR 97204
Telephone: 503-227-5631

CERTIFICATE OF MAILING

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United States Postal Service on this date November 29, 2000 in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Mailing Label Number EL61933338US addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: November 29, 2000


Kevin L. Russell

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DEPUTY A/C PATENTS

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DAVID S. FINE
SENIOR LAW CLERK

November 29, 2000

Our File: 1016.062

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: United States Application Serial No. 09/637,527
Filed: August 10, 2000
For: MEMBRANE PROBING SYSTEM
Mailing Label Number EL619333338US

Dear Sir:

Enclosed are the following documents regarding the above-referenced patent application:

1. Transmittal letter in duplicate
2. Copy of Notice of Omitted Items
3. Petition for Date of Submission
4. New Declaration
5. Check in the amount of \$130
6. Acknowledgment postcard

The Commissioner is hereby authorized to charge payment of any fee or credit any overpayment to Deposit Account No. 03-1550. A duplicate copy of this letter is enclosed.

Please address all notices regarding the payment of maintenance fees on the above-identified patent to Chernoff, Vilhauer, McClung & Stenzel, LLP at the then current address for payor number 000152.

Respectfully submitted,

Kevin L. Russell
Reg. No. 38,292
Attorney for Applicant

KLR:djs
Enclosures

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/637,527	08/10/2000	Paul A. Tervo	KLR: 1016.062

Chernoff Vilhauer
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FORMALITIES LETTER



OC000000005457177

Date Mailed: 10/06/2000

OFFICE OF PETITIONS
 UNITED STATES PATENTS
NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) FIG.22 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if

necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice MUST be returned with the reply.

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE